IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.4771/06
Khem Raj @ Khem Singh @ Khemo Vs. State of Raj. & Ors.

30.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Sharad Purohit for petitioner.
Shri B.S. Chhaba, Deputy Government Advocate for State.
Shri Satish Khandelwal for respondent.

The petitioner has in this writ petition challenged the order dated 7.6.2006 & 8.6.2006 passed by the respondents by which he has been declared disqualified on the post of Sarpanch, Gram Panchayat Anchwara, Distt. Bharatpur on account of the fact that he was not eligible to contest the election to the aforesaid office being

disqualified as per one of the clauses of Section 19(l) of the Rajasthan Panchayati Raj Act, 1994 and has prayed that the same be quashed and set aside.

Controversy raised in this case is squarely covered by the decision of Larger Bench in the case of Smt. Sameera Bano Vs. State of Raj. & Ors, D.B. Special Appeal (W) No.236/06, decided on 2.4.2007 wherein it was held as under:-

> “that a pre-election disqualification can be adjudicated only in an election petition before the District Judge under Section 43 of the Act read with rule 80 of the Election Rulest and cannot be adjudicated by the authority under rule 23 of the Rules.”

Following the view taken by the

larger bench in Smt. Sameera Bano, supra, the writ petition deserves to be allowed and is accordingly allowed. The impugned order dated 7.6.06 and 8.6.06 are quashed and set aside and the petitioner is held entitled to continue to hold the office of Sarpanch, Gram Panchayat Anchwara, Distt. Bharatpur

(Mohammad Rafiq),J.

Rs/-